

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FRATUS,

Plaintiff,

v.

DAYSON, et al.,

Defendants.

No. 2:20-cv-0354 TLN DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that he suffered side effects from psychiatric medication and was denied medical treatment.

On January 24, 2022, the undersigned recommended that defendants Siegel and Rodgers be dismissed because plaintiff had failed to submit materials necessary to initiate service as to these defendants.<sup>1</sup> (ECF No. 51.) The following day plaintiff's motion voluntarily dismissing his claims against defendants Siegel and Rodgers was entered on the docket. (ECF No. 52.) Because plaintiff has indicated he wishes to voluntarily dismiss these defendants, the court will vacate the January 24, 2021, findings and recommendations (ECF No. 51) and grant plaintiff's motion to voluntarily dismiss these defendants (ECF No. 52).

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<sup>1</sup> Plaintiff submitted documents necessary to initiate service on defendants Dayson, Houston, and Vallar. (ECF No. 40.) Additionally, service has been executed on defendants Hurley and Lozano. (ECF No. 26.)


1 The undersigned will issue a separate order directing the United States Marshal to  
2 commence service on defendants Houston, Dayson, and Vallar.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations dated January 24, 2022 (ECF No. 51) are vacated.

5 2. Plaintiff's motion for dismissal (ECF No. 52) is granted. Defendants Siegel and  
6 Rodgers shall be dismissed from this action.

7 Dated: February 8, 2022

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE  
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